

REMARKS

Claims 1-11, 13-15 and 17-19 are pending in the current application. The Examiner rejected Claims 1-17. Claims 12 and 16 have been cancelled and Claims 1, 5-6, 13-14 have been amended hereby. Claims 18-19 have been added.

Specification

Responsive to the Examiner's objection to the dual designation of reference character 56 in the specification, Applicant has amended the specification to correct one of the designations to reference character 356.

Drawings

Responsive to the Examiner's objection to the drawings, Applicant has amended Figure 2 to correct omitted reference characters.

Claim Rejections

The Examiner rejected Independent Claims 1, 6 and 13 and Claims 2-4, 7-8, 11-12 and 14 depending therefrom as being anticipated by U.S. Patent No. 5,348,455 (hereinafter "Herrick '455").

Claim 1 has been amended to call for a compressor assembly comprising, inter alia, a housing, a discharge chamber defined within the housing, and a *horizontal scroll* compressor mechanism disposed within the housing, wherein the fixed scroll member of the compressor mechanism is *sealed against* the housing to define the discharge chamber, wherein the crankshaft of said compressor mechanism is oriented generally horizontal, and wherein substantially all fluids entering the discharge chamber enter through a first port and substantially all fluids exiting the discharge chamber exit through a second port. Herrick '455 is not a scroll compressor wherein the fixed member of the scroll compressor is sealed against the housing defining a discharge chamber, and wherein the lubricating oil exits the discharge chamber through a second port. On the contrary, Herrick '455 discloses a *rotary* compressor comprising annular piston 40 disposed within bore 38, and eccentric 42 attached to drive shaft 24. Furthermore, Herrick '455 discloses that compressor mechanism 30 is affixed to housing 12 through cylinder block 36 allowing compressed gas and oil to flow around compressor 30 through interior 34, and thus compressor 30 is not *sealed against* housing 12 to form a discharge chamber. Likewise, Herrick '455 discloses that oil contained in oil sump 29 may circulate throughout compressor 10 without having to exit through port

32. Thus, Applicant respectfully submits that amended Claim 1 and Claims 2-4 depending therefrom are not anticipated by Herrick '455.

Claim 6 has been amended to call for a *horizontal* compressor assembly comprising, inter alia, a hermetically sealed housing defining a high pressure discharge chamber and a low pressure chamber, wherein the bottom portion of the low pressure chamber comprises a first oil reservoir, wherein the bottom portion of the high pressure chamber comprises a second oil reservoir, and wherein the first oil reservoir is *partitioned* from the second oil reservoir, and a compressor mechanism disposed within the housing. Claim 13 has been amended to call for a method of controlling the movement and accumulation of oil in a *horizontal* compressor comprising, inter alia, the steps of providing a hermetically sealed housing defining a high pressure chamber and a low pressure chamber, accumulating oil in a bottom portion of the low pressure chamber, accumulating oil in a bottom portion of the high pressure chamber, and *partitioning* the oil in the bottom of the low pressure chamber from the oil in the bottom of the high pressure chamber.

Applicant respectfully submits that Herrick '455 does not disclose or suggest a *housing* having a high pressure discharge chamber and a low pressure chamber. Furthermore, Herrick '455 does not disclose or suggest a first oil reservoir in a low pressure chamber partitioned from a second oil reservoir in a high pressure chamber. On the contrary, Herrick '455 discloses that pressurized fluids are discharged from discharge port 46 into interior 34 wherein interior 34 comprises the entirety of the free space within compressor 10 and thus Herrick '455 discloses a high pressure chamber as opposed to a low pressure chamber and a high pressure chamber defined within a housing. Likewise, Herrick '455 discloses a common oil sump 29 wherein oil may circulate throughout compressor 10 as opposed to two separate oil reservoirs partitioned from each other. Therefore, Applicant respectfully submits that Independent Claims 6 and 13 and Claims 7-8, 11 and 14 depending therefrom are also not anticipated by Herrick '455.

The Examiner rejected Claims 5, 9, 10, 15 and 17, which depend from Independent Claims 1, 6 and 13, as being rendered obvious by Herrick '455 in view of Japan Patent No. 2002-021729 (hereinafter "Furukawa '729"). Applicant respectfully submits that Furukawa '729, which discloses a *vertical* compressor having internal oil return passage 12 between high pressure chambers 10 and 3a, cannot correct for the deficiencies of Herrick '455 discussed above. Due to the vertical orientation of the crankshaft, vertical compressors

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require a different oil lubrication system as compared to the horizontal compressor called for in Independent Claim 1 and Claim 5 depending therefrom. The vertical compressor disclosed in Furukawa '729 comprises an internal oil return system that allows oil in chamber 10 to return to oil sump 11 without having to exit discharge port 15a, and thus oil that is not discharged through a discharge opening in the housing. Furthermore, return oil passage 12 allows the pressure of the compressed gas to generally equalize between chambers 10 and 3a making the entire interior of container 1 a high pressure chamber as opposed to having a low pressure chamber and a high pressure chamber as called for in Independent Claims 6 and 13 and Claims 9, 10, 15 and 17 depending therefrom. Additionally, return oil passage 12 allows oil to flow between chambers 10 and 3a and thus Furukawa '729 does not disclose a first reservoir partitioned from a second oil reservoir. For at least the reasons advanced above, Applicant respectfully submits that Claims 5, 9, 10, 15 and 17 are not rendered obvious by Herrick '455 in view of Furukawa '729 or any other reference of record.

Thus, it is requested that the rejections be withdrawn and that the application be passed to issue.

New Claims

Independent Claim 18 and Claim 19 depending therefrom are added by the current amendment. Claim 18 calls for a compressor assembly comprising, inter alia, a housing having a low pressure chamber and a high pressure chamber, a first oil reservoir in the low pressure chamber, and a second oil reservoir in the high pressure chamber, wherein the first oil reservoir is partitioned from the second oil reservoir. Applicant respectfully submits that Claims 18-19 define over the prior art for at least the reasons advanced above with respect to Independent Claims 1, 6 and 13.

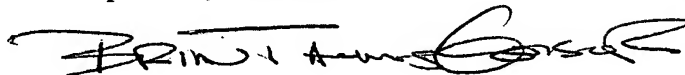
It is believed that the above represents a complete response to the Office Action and reconsideration is requested. Specifically, Applicant respectfully submits that the application is in condition for allowance and such action is earnestly solicited.

In the event Applicant have overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

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It is requested that the Examiner telephone the undersigned at 260-424-8000 if such would be of assistance in expediting prosecution of the application.

Respectfully submitted,



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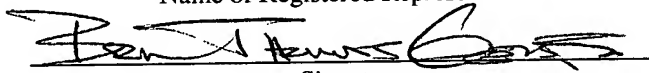
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: June 9, 2004

BRIAN THOMAS GEISLER, REG. NO. 54,115

Name of Registered Representative


Signature

June 9, 2004

Date